

**REMARKS**

The foregoing amendments and these remarks are in response to the Office Action dated June 16, 2006. This amendment is timely filed.

At the time of the Office Action, claims 41-65, 69-73, 75-77 and 79-88 were pending. In the Office Action, Claim 88 was objected to under 37 C.F.R. §1.75. Claims 54, 55, 58-62, 65, 69-73 and 75-76 were rejected under 35 U.S.C. §102(e). Claims 41-53, 56, 57, 77, and 79-88 were rejected under 35 U.S.C. §103(a). Claim 63 was objected to as being dependent upon a rejected base claim but was indicated to be allowable if rewritten in independent form. The objections and rejections are discussed in more detail below.

**I. Objection to Claims under 37 C.F.R. §1.75**

Claim 88 was objected to under 35 U.S.C. §1.75. The Examiner asserted that the claim as being a substantial duplicate of claim 80. Applicants have canceled claim 88 to overcome this objection.

**II. Rejections on Art**

Claims 54, 55, 58-62, 65, 69-73 and 75-76 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,078,265 to Bonder, et al. ("Bonder"). Applicant submits that the claims are patentable over this reference.

Notably, Bonder does not disclose or suggest a barrel for the retention of a movable component having contacts for engagement with the contact portal(s) of the movable component or cylinder. In Bonder, the equivalent of the barrel in claim 54 is the fixed housing 51. The fixed housing 51 does not incorporate any contacts whatsoever. Rather, in Bonder, after contact between contacts 17 of key 11 and contacts 18 of rotating tumbler mechanism 52, the electrical connection to the key lock controller 13 is by way of the connector 56 through a power data connection 57.

In addition, there is no disclosure in Bonder of mating contact portals 22 of barrel 31. The contact portals 22 transmit electronic signals directly to an external processor or processing unit in

Application No. 09/764,729  
Reply to Office Action dated June 16, 2006

Docket No. 9300-1

lock body 20. There is no need for a connection 57 and connector 56 or switch 58. Thus, claim 54 relates to patentable subject matter and is allowable over the cited prior art.

In relation to the rejection of claim 59, applicant cannot find any reference in Bonder of motion of a lock cylinder being caused by corresponding rotation of a locking pin within the lock body which is due to actuation of the linear motor or solenoid, as required by claim 59. This claim is thus believed to relate to patentable subject matter, and new claims 89-94 are added herein, which depend from claim 59.

In relation to claim 60, applicant notes that in Figure 5 of Bonder, reference numeral 53 refers to spring loaded tumbler pins of tumbler mechanism 52. Under no circumstances can the locking pins 52 refer to spring loaded contacts of the movable component or cylinder. Certainly, the tumbler pins 53 of Bonder are not in abutment with contacts of the biometric key. Thus, withdrawal of the rejection of claim 60 is respectfully requested.

Claims 41-50, 52, 53, 80 and 81-88 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bonder in view of U.S. Patent No. 5,311,757 to Spahn (hereafter "Spahn"). Claim 51 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bonder in view of Spahn and further in view of U.S. Patent No. 4,947,662 to Imedio. Claims 56-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bonder in view of U.S. Patent No. 5,055,658 to Cockburn. Claims 77 and 79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bonder in view of U.S. Patent No. 5,140,317 to Hyatt, Jr. et al. Applicant respectfully traverses these rejections.

In relation to the rejection of claims 41-44, 46-48 and 81-84 under 35 U.S.C. §103(a), applicant notes that Spahn discloses an electronic circuit housed in a recess of key body, in which the recess is filled with an insulating casting compound to protect the circuit from dust and moisture. However, in relation to claim 41, applicant cannot see any teaching in Bonder and/or Spahn to an insulator being insertable into a slot of the key body and attached thereto. For this to occur, the insulator would have to be a separate preformed solid element, as shown in figure 3A of the present application.

In stark contrast, Spahn only teaches that the recess 21 is filled with an insulating casting compound 29, which surrounds circuit board chip 23. This means that the insulator compound is a settable liquid. There is no reference whatsoever to inserting the insulator into a slot of the key body, as shown in figures 3A, 3B and 3C of the present application.

In regard to the rejection of claim 42 a combination of Spahn and Bonder, does not teach or suggest an insulator slidably attached to a key body and bonded thereto, as recited by claim 42. Filling a recess 21 with a heat settable liquid which is casting compound is totally different from slidably attaching an insulator as a preformed solid element to a key body and bonding the solid element thereto.

With reference to claims 43, 44 and 45, by filling recess 21 with a settable casting liquid, Spahn does not teach that the insulator has a mating recess for the sensor. There is no recess in cavity 21 after being filled with compound 29. Similar comments apply to the rejection of claim 44. Spahn does not teach a cavity being formed in insulating compound 29.

In regard to the rejection of claim 45, applicant cannot see any teaching whatsoever in the combination of Bonder and Spahn to the circuit board having at one end contract traces or wire leads which engages with corresponding contact traces of an adjacent end of the biometric sensor as shown in FIGS 3A, 3B and 3C of the present application. Bonder only teaches a sensor or scanner chip 37 interfaced to a microcontroller 42 which controls operation of the scanner 37 and reads data from the scanner into a temporary memory 43, as described at column 6, lines 18-23. The function of the circuit board in claim 45 is to transmit the signal from the biometric sensor to the electrical contacts of the key. Thus, under no circumstances does the circuit board of claim 45 correspond to the microcontroller 42 of Bonder.

Concerning the rejection of claim 46, again applicant cannot see any teaching whatsoever in the combination of Bonder and Spahn to the insulator incorporating a plurality of contact portals in contact with corresponding contacts or wire leads of the circuit board. This would be impossible with a settable casting compound.

In relation to the rejection of claims 52 and 86, applicant notes that these claims are rejected by the Examiner on the basis of Bonder teaching a pair of contact pins 17 located in accommodating insulator sleeves on the basis that key body 31 is an insulator. Upon a review of the FIGS 5, 6, 7 and 8 as well as FIGS 6A, 8A and 10, it will be noted that each electrical contact 12 of the biometric key includes contact detail as shown in FIG 8, in which each individual contact pin 55 and 58 is housed in insulator sleeves 54 and 57 together with intermediate structure as shown in FIG 6 and 6A. It is evident that Bonder does not show each contact comprising a pair of contact sleeves located in accommodating insulator sleeves. All Bonder shows is reference to contacts 17. There is no reference in Bonder to a pair of contact pins as required by claims 52 and 86 housed in individual insulator sleeves for each pin. Bonder does not even describe the internal structure of each contact 17.

In relation to the rejection of claims 53 and 87, applicant notes the scanner 37 of Bonder is the sensor *per se*. There is no reference in Bonder to an additional smart chip in addition to the sensor.

Regarding claims 77-79, Bonder does not teach or suggest how “one or more patterns of fingerprints previously stored within the key” are obtained. This could be by any number of ways. What is relevant is that Bonder does not disclose in any shape or form that enrollment of an authorized biometric signature takes place by initial engagement of the biometric key with a receptor body. When this occurs, actuation of the biometric sensor occurs for generation of the signal representing the biocode representing the authorized biometric signature which is then captured into the database.

In regard to the rejection of claim 79, in view of the deficiency in Bonder in not explaining how enrollment of an authorized signature occurs, it is evident that there is no disclosure in the combination of Hyatt and Bonder of enrolling the authorized biometric signature in the host computer database as a new enrollment before updating the database and processing unit and the host computer database to reflect the new enrollment.

Application No. 09/764,729  
Reply to Office Action dated June 16, 2006

Docket No. 9300-1

For the foregoing reasons, the independent claims are believed to be in condition for allowance. The dependant claims are also believed to be allowable because of their dependence on an allowable base claim, and due to the further features recited therein.

### III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Dated: 9-18-06

  
Mark D. Passler  
Registration No. 40,764  
**AKERMAN SENTERFITT**  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Tel: 561-653-5000

Docket No. 9300-1